

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ADJUSTACAM LLC  
*Plaintiff*

v.

AMAZON.COM, INC. *et al.*,  
*Defendants*

Case No. 6:10-cv-329-LED

**JURY TRIAL DEMANDED**

**DEFENDANT OFFICE DEPOT, INC.’S NOTICE OF JOINDER IN DEFENDANT DELL  
INC.’S CORRECTED MOTION TO DISMISS PLAINTIFF’S ALLEGATIONS OF  
INDIRECT INFRINGEMENT AND WILLFUL INFRINGEMENT FOR FAILURE TO  
STATE A CLAIM**

Defendant Office Depot, Inc. (“Office Depot”) hereby joins Defendant Dell Inc.’s Corrected Motion to Dismiss Plaintiff’s Allegations of Indirect Infringement and Willful Infringement for Failure to State a Claim (Docket No. 164) and the associated Notice of Additional Authority Regarding Defendant Dell’s Corrected Motion to Dismiss (Docket No. 180), pursuant to Fed. R. Civ. P. 12(b)(6), and the arguments and authorities found therein.<sup>1</sup>

AdjustaCam LLC’s (“AdjustaCam”) allegations of indirect infringement against Office Depot are substantively the same as those it has asserted against Dell, Inc. (“Dell”), and are deficient for the same reasons set forth in Dell’s Motion to Dismiss. *Compare* First Amended Complaint for Patent Infringement (Docket No. 111), ¶ 152 (Office Depot) *with* ¶ 92 (Dell); *see also id.* at ¶ 224 (Office Depot & Dell). Because AdjustaCam has not adequately pled the required facts to support an allegation that Office Depot indirectly or willfully infringed the patent-in-suit, its indirect infringement and willful infringement claims against Office Depot should be dismissed.

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<sup>1</sup> Office Depot also is concurrently filing its Answer to AdjustaCam’s First Amended Complaint for Patent Infringement.

DATED: September 17, 2010

By: /s/ Steven R. Daniels  
W. Bryan Farney  
Lead Attorney  
Texas State Bar No. 06826600  
Steven R. Daniels  
Texas State Bar No. 24025318  
Bryan D. Atkinson  
Texas State Bar No. 24036157  
DECHERT LLP  
300 W. 6<sup>th</sup> Street, Suite 2010  
Austin, Texas 78701  
Telephone: (512) 394-3000  
Facsimile: (512) 394-3001  
E-mails: bryan.farney@dechert.com  
              steven.daniels@dechert.com  
              bryan.atkinson@dechert.com  
**ATTORNEYS FOR DEFENDANT  
OFFICE DEPOT, INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel of record who have consented to electronic service as this district requires. Local Rule CV-5(a)(3)(A).

/s/ Steven R. Daniels